

13 CSR 35-73.017. Hearings and Judicial Review

PURPOSE: This rule addresses the procedures for license denial, revocation, suspension, or suspension of intake and the right for an administrative hearing and judicial review for an agency aggrieved by a final decision of the director.

(1) License Denial, or Revocation.

(A) The division may refuse to issue a license to an applicant, or may deny or revoke the license of a licensee, who--

1. Fails consistently to comply with the applicable provisions of [sections 210.481 - 210.536](#), and Chapter 453, RSMo if licensed as an adoption agency, and the applicable corresponding rules;
2. Violates any of the provisions of its license;
3. Violates state laws or rules relating to the protection of children;
4. **Abuses or neglects children, or** [P]permits **the** abuse or neglect of children, or is the subject of multiple or serious reports of child abuse or neglect which upon investigation results in a finding of probable cause to suspect child abuse or neglect and fails to take corrective action acceptable to the division to ensure the safety of children;
5. Employs persons who **the Division has found ineligible for employment or presence at the Child Placing Agency pursuant to §210.493 and 13 CSR 35-71.015, or who** abuse or neglect children, or are the subjects of multiple or [serious] reports of child abuse or neglect which upon investigation results in a finding of [probable cause to suspect] **preponderance of the evidence that the individual is responsible for** child abuse or neglect and the agency fails to take corrective action acceptable to the division to ensure the safety of children;
6. Furnishes or makes any misleading or false statements or reports to the division;
7. Refuses to submit any reports or to make available to the division any records required in making an investigation;
8. Fails or refuses to submit to an investigation by an authorized and identified representative of the division at any reasonable time;
9. Fails to provide, maintain, equip and keep in safe and sanitary condition the premises established or used for the care of children as required by law, rule or ordinance applicable to the location of a facility; or

10. Fails to provide adequate financial resources for the satisfactory care of children being served.

(B) The division shall provide written notice within ten (10) days of denial or revocation of licensure to the agency, which shall include the reason(s) for the denial or revocation. Upon receipt of the notice of denial or revocation, the agency shall cease operation within five (5) working days unless the denial or revocation is stayed by an appropriate administrative or judicial order.

(C) The agency may appeal the decision of the division to deny or revoke the license by filing a request for appeal with the division within ten (10) days after receipt of the notice of denial or revocation.

(D) Any person aggrieved by a final decision of the division with regard to the denial or revocation of licensure shall be entitled to a hearing and review by the director or his/her designee as provided by [section 210.526, RSMo](#).

(E) An agency shall not reapply for licensure within one (1) year from the date of denial or revocation.

(2) License Suspension and Suspension of Intake.

(A) The division shall have the authority to suspend the license of an agency when necessary to protect the health, safety and welfare of children.

(B) The division shall provide written notice within ten (10) days of the suspension of license and the reason(s) for the suspension to the agency. Upon receipt of notice of suspension, the agency shall immediately cease operation pending review.

(C) The division shall have the authority to suspend the intake of children into placement during prescribed time periods in order to assure the health, safety and welfare of children.

(D) The division shall have the authority to suspend the intake of birth parents and prospective adoptive parents during prescribed time periods in order to assure the health, safety and welfare of clients.

(E) The division shall provide written notice within ten (10) days of the suspension of license and the reason(s) for the suspension to the agency. Upon receipt of notice of suspension, the agency shall immediately cease operation pending review.

(F) In the event that intake only is suspended, the division shall provide written notice within ten (10) days of the suspension and the reasons for the suspension, including time frames and limitations on intake.

(G) When the division suspends the license or the intake of an agency, the suspension shall be for a period not to exceed thirty (30) calendar days, or until there is an administrative review and decision by the director, whichever is first. The director can extend the suspension for an additional thirty (30) calendar days if the agency has failed to rectify the problem(s).

Credits

AUTHORITY: [sections 207.020, 210.493, 210.506, 210.1286 \[210.481 - 210.536, RSMo \(1994\)\]](#) and **660.017 RSMo [(Cum. Supp. 1996)]**.*

* *Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

This rule originally filed as [13 CSR 40-73.017](#). Original rule filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.017, effective June 30, 2018.